

114TH CONGRESS  
1ST SESSION

# S. 2114

To correct inconsistencies in the definitions relating to Native Americans  
in the Patient Protection and Affordable Care Act.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2015

Ms. MURKOWSKI (for herself, Mr. SULLIVAN, and Mr. SCHATZ) introduced the  
following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To correct inconsistencies in the definitions relating to Native  
Americans in the Patient Protection and Affordable Care  
Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TECHNICAL CORRECTIONS TO PPACA.**

4       (a) DEFINITION OF INDIAN.—Section 1304 of the  
5       Patient Protection and Affordable Care Act (42 U.S.C.  
6       18024) is amended by adding at the end the following:

7       “(f) INDIAN.—

8           “(1) IN GENERAL.—In this title, the term ‘In-  
9       dian’ means any individual—

1                 “(A) described in paragraph (13) or (28)  
2                 of section 4 of the Indian Health Care Improve-  
3                 ment Act (25 U.S.C. 1603);

4                 “(B) who is eligible for health services pro-  
5                 vided by the Indian Health Service under sec-  
6                 tion 809 of the Indian Health Care Improve-  
7                 ment Act (25 U.S.C. 1679);

8                 “(C) who is of Indian descent and belongs  
9                 to the Indian community served by the local fa-  
10                 cilities and program of the Indian Health Serv-  
11                 ice; or

12                 “(D) who is described in paragraph (2).

13                 “(2) INCLUDED INDIVIDUALS.—The following  
14                 individuals shall be considered to be an ‘Indian’:

15                 “(A) A member of a Federally-recognized  
16                 Indian tribe.

17                 “(B) A resident of an urban center who  
18                 meets 1 or more of the following 4 criteria:

19                 “(i) Membership in a tribe, band, or  
20                 other organized group of Indians, including  
21                 those tribes, bands, or groups terminated  
22                 since 1940 and those recognized now or in  
23                 the future by the State in which they re-  
24                 side, or being a descendant, in the first or  
25                 second degree, of any such member.

1                         “(ii) Is an Eskimo or Aleut or other  
2                         Alaska Native.

3                         “(iii) Is considered by the Secretary of  
4                         the Interior to be an Indian for any pur-  
5                         pose.

6                         “(iv) Is determined to be an Indian  
7                         under regulations promulgated by the Sec-  
8                         retary.

9                         “(C) An individual who is considered by  
10                         the Secretary of the Interior to be an Indian for  
11                         any purpose.

12                         “(D) An individual who is considered by  
13                         the Secretary to be an Indian for purposes of  
14                         eligibility for Indian health care services, includ-  
15                         ing as a California Indian, Eskimo, Aleut, or  
16                         other Alaska Native.”.

17                         (b) CONFORMING AMENDMENTS.—

18                         (1) AFFORDABLE CHOICES HEALTH BENEFIT  
19                         PLANS.—Section 1311(c)(6)(D) of the Patient Pro-  
20                         tection and Affordable Care Act (42 U.S.C.  
21                         18031(c)(6)(D)) is amended by striking “section 4  
22                         of the Indian Health Care Improvement Act” and  
23                         inserting “section 1304(f)”.

24                         (2) REDUCED COST-SHARING FOR INDIVIDUALS  
25                         ENROLLING IN QUALIFIED HEALTH PLANS.—Section

1       1402(d) of the Patient Protection and Affordable  
2       Care Act (42 U.S.C. 18071(d)) is amended—

3               (A) in paragraph (1), in the matter pre-  
4       ceding subparagraph (A), by striking “section  
5       4(d) of the Indian Self-Determination and Edu-  
6       cation Assistance Act (25 U.S.C. 450b(d))” and  
7       inserting “section 1304(f)”; and

8               (B) in paragraph (2), in the matter pre-  
9       ceding subparagraph (A), by striking “(as so  
10      defined)” and inserting “(as defined in section  
11      1304(f)).”.

12               (3) EXEMPTION FROM PENALTY FOR NOT  
13       MAINTAINING MINIMUM ESSENTIAL COVERAGE.—  
14       Section 5000A(e) of the Internal Revenue Code of  
15       1986 is amended by striking paragraph (3) and in-  
16       serting the following:

17               “(3) INDIANS.—Any applicable individual who  
18       is an Indian (as defined in section 1304(f) of the  
19       Patient Protection and Affordable Care Act).”.

